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CHARTERS.

Charter of City of Bakersfield

~~OF THE~~

Adopted 1914 and amended 1915

CITY OF BAKERSFIELD, *CA.*

STATE OF CALIFORNIA

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CHARTER

OF THE

CITY OF BAKERSFIELD

STATE OF CALIFORNIA



RATIFIED AND APPROVED JANUARY 23, 1915,
BY ASSEMBLY CONCURRENT RESOLUTION NO. 3

FROM THE PRESS OF
THE BAKERSFIELD CALIFORNIAN



Assembly Concurrent Resolution No. 3, Relative to Approving Charter of the City of Bakersfield, County of Kern, State of California, Voted for and Ratified by the Qualified Voters of Said City at a Special Municipal Election Held Therein for that Purpose on the Seventh Day of November, 1914.

Whereas, The city of Bakersfield, a municipal corporation of the county of Kern, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained and established by the census of 1910 taken under the direction of the congress of the United states; and

Whereas, At a special election duly held in said city on the fifth day of May, 1914, under and in accordance with the law and the provisions of section 8, article XI, of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and

Whereas, Said board of freeholders did, within one hundred and twenty days after the result of said election was declared, prepare and propose a charter for the government of the city of Bakersfield; and

Whereas, Said charter was on the 31st day of August, 1914, signed in duplicate by a majority of said board of freeholders, and was thereupon duly returned and filed one copy with the city clerk of the said city of Bakersfield, and the other copy with the county recorder of the county of Kern; and

Whereas, Said proposed charter was thereafter published ten times in The Bakersfield Californian, a daily newspaper of general circulation, printed, published and circulated in the city of Bakersfield on the following days of publication, to-wit: September 17, 18, 19, 21, 22, 23, 24, 25, 26 and 28; the first publication thereof having been made within fifteen days after the filing of the copy thereof on the third day of September, 1914, in the office of the said city clerk; and

Whereas, Said proposed charter was, not less than twenty days nor more than forty days after the completion of said publication, to-wit: on the seventh day of November, 1914, submitted by the board of trustees of the city of

Bakersfield to the qualified electors of said city at a special election duly called and held therein; and

Whereas, At said last mentioned special election a majority of the qualified electors of said city, voting at said special election, voted in favor of and duly ratified said charter as proposed as a whole; and

Whereas, Said board of trustees, after canvassing the return of said last mentioned special election, duly found and declared that a majority of said qualified electors voting at said special election had voted for, and ratified said charter as above specified; and

Whereas, Said charter was ratified in the words and figures following, to-wit:

THE CHARTER OF THE CITY OF BAKERSFIELD

ARTICLE I.

NAME AND BOUNDARIES

Name of City

Section 1. The inhabitants of the city of Bakersfield, as its limits now are, or may hereafter be established, shall be a body politic and corporate, by name the city of Bakersfield, and as such shall have perpetual succession.

Boundaries of the City of Bakersfield

Sec. 2. Commencing at intersection of the east boundary line of Union avenue with the north boundary of Thirty-fourth street, if extended easterly, thence running west along the said north boundary line of Thirty-fourth street and in prolongation thereof, to the left or east bank of Kern river; thence meandering southwesterly along said east bank of Kern river to its intersection with the west boundary line of Oak street; thence south along the west boundary line of Oak street to its intersection with the south boundary line of Palm street, if extended westward; thence east along the south boundary line of said Palm street, if so extended, to the west boundary line of H street; thence south along the west boundary line of H street to the south boundary line of Fourth street; thence east along the south boundary line of Fourth street and the extension of same to the east boundary line of said Union avenue; thence north along the east boundary line of said Union avenue to the intersection thereof with the south boundary line of section twenty-nine (29), township

twenty-nine (29) south, range twenty-eight (28) east, Mount Diablo base and meridian; thence east to the southeast corner of the southwest quarter of section twenty-eight (28), township twenty-nine (29) south, range twenty-eight (28) east, Mount Diablo base and meridian; thence north one mile to the northeast corner of the northwest quarter of said section twenty-eight; thence west to the northwest corner of the northwest quarter of said section twenty-eight; thence north to the northeast corner of the southeast quarter of section twenty (20), township twenty-nine (29) south, range twenty-eight (28) east, Mount Diablo base and meridian; thence west to the center of said section twenty; thence south on the half-section line of said section twenty to the north boundary line of said section twenty-nine; thence west on said boundary line to the east boundary line of Union avenue; thence north on said east boundary line of Union avenue and Union avenue extended, to the place of beginning.

ARTICLE II.

POLITICAL SUBDIVISION

Ward Divisions

Sec. 3. The city of Bakersfield shall be divided into seven political subdivisions, which shall be known as wards, and shall be described, bounded and numbered as follows:

First Ward

Sec. 4. All that portion of the city of Bakersfield lying east of the center line of Baker street.

Second Ward

Sec. 5. All that portion of the city of Bakersfield lying west of the center line of Baker street, and otherwise bounded by wards Three, Four and Seven.

Third Ward

Sec. 6. Beginning at the intersection of the center line of Twenty-fourth street with the center line of Chester avenue, and running east along the center line of Twenty-fourth street to the intersection thereof with the center line of L street; thence north on the center line of L street to the intersection thereof with the center line of Twenty-fourth street, between L street and M street; thence east on the center line of Twenty-fourth street to the intersection thereof with the center line of M street; thence south

on the center line of M street to the intersection thereof with the center line of Twenty-fourth street east thereof, thence east on the center line of Twenty-fourth street and the center line of Twenty-fourth street extended to the center line of the Kern Island canal; thence southwesterly and following the center line of said Kern Island canal to the center line of Nineteenth street; thence west on the center line of Nineteenth street to the intersection thereof with the center line of Q street; thence south on the center line of Q street to the intersection thereof with the center line of Truxtun avenue; thence west on the center line of Truxtun avenue to the intersection thereof with the center line of Chester avenue; thence north on the center line of Chester avenue to the point of beginning.

Fourth Ward

Sec. 7. All that portion of the city of Bakersfield lying west of the center line of Chester avenue and north of the center line of Eighteenth street and the continuation thereof.

Fifth Ward

Sec. 8. Beginning at the intersection of the center line of Chester avenue with the center line of Eighteenth street; thence south on the center line of Chester avenue to the boundary line between sections thirty and thirty-one, township twenty-nine south, range twenty-eight east, M. D. B. and M.; thence west along said boundary line to the west boundary line of the city; thence north on said west boundary line to the southwest corner of the Fourth ward; thence east on the south boundary line of said Fourth ward to the place of beginning.

Sixth Ward

Sec. 9. All that portion of the city of Bakersfield lying south of the south boundary line of the Fifth ward and west of the center line of Chester avenue, as the same is now, or may hereafter be extended.

Seventh Ward

Sec. 10. All that portion of the city of Bakersfield lying south of the center line of Truxtun avenue and between the center line of Union avenue, as the same now is or may hereafter be extended, and the center line of Chester avenue, as the same now is, or may hereafter be extended.

Voting Precincts

Sec. 11. The council shall establish voting precincts

under the provision of state law, but each shall be wholly in one ward, nor shall the boundaries of a precinct be changed within twenty days before an election.

ARTICLE III.

LEGISLATIVE DEPARTMENT

Rights and Liabilities

Sec. 12. The city may use a corporate seal; may sue and be sued; may acquire property in fee simple or lessor interest, by estate, purchase, gift, appropriation, devise, lease, lease with privilege to purchase, for any municipal purpose; may sell, lease, hold, manage and control such property; may make any and all rules and regulations, to carry out all covenants or conditions of any conveyance, deed, gift, bequest or lease; may acquire, construct, own, lease, operate and regulate public utilities, may engage in the manufacture, sale or distribution of any commodity generally used by the inhabitants of the city of Bakersfield; may assess, levy and collect taxes and provide penalties for non-payment thereof, for general and special purposes, on all subjects or objects which the city may lawfully tax; may enforce the lien of taxes and penalties against property, for taxes assessed and levied thereon, by sale thereof; may borrow money on the faith and credit of the city, by sale of bonds or notes of the city; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate, and maintain all things of the nature of public works and improvements, hospitals, parks, playgrounds or other places of amusement or entertainment, may for purposes of regulation and revenue, license all persons, corporations and associations engaged in any business, occupations and associations engaged in any business, occupation, profession or trade; may establish and maintain a free municipal employment office; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and may abate all nuisances and causes thereof; may regulate the construction, height and material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use of the streets and other public places; may create, establish, abolish and organize offices other than those herein provided, and except as herein provided, fix the salaries and compensations and hours of labor of all officers and employees; may make and enforce local police, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good govern-

ment and welfare of the city; the city shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of the State of California; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, the city shall have, and may exercise all other powers which, under the constitution and laws of California, it would be competent for this charter specifically to enumerate.

Public Entertainment

Sec. 13. The city may appropriate money for any or all of the following purposes: reception and entertainment of public guests, assistance of public celebrations held by the city at large, to aid or carry on the work inducing immigration to the city; and generally, for the purpose of advertising the city, **provided, however,** that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two cents on each one hundred dollars of the assessed value of property.

Legislative Powers of Council

Sec. 14. The legislative power of the city, except as reserved to the people by this charter, shall be vested in a council of seven members, one to be elected from each of the seven wards of the city by the electors thereof.

Term of Office

Sec. 15. Councilmen shall be elected for a term of two years, and shall serve until their successors are elected or appointed and have qualified.

Vacancies in Council

Sec. 16. Vacancies in the council shall be filled by the council, for the unexpired term, except when caused by recall election. When a vacancy occurs in the council, electors in the ward in which the vacancy occurred, equal in number to twenty-five per cent or more of the total vote cast for councilman therein, at the last general election, may file a petition, praying for a special election, to fill such vacancy. When such petition is filed, the signatures thereto shall be verified and certified, as provided

for petitions for recall elections, and it shall thereupon be mandatory on the council to call such special election, within thirty days thereafter. If no such petition be filed within two weeks after the vacancy occurs council shall proceed to fill such vacancy.

Qualifications of Councilmen

Sec. 17. Members of the council, and candidates therefor, shall be residents of the city for three years and electors of the ward which they represent. Councilmen shall not hold any other public office except that of notary public or member of the state militia, and shall not be interested in any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forfeit his office, and any such contract, in which any member is or may become interested, shall be void. No member of the council shall, except in so far as is necessary in the performance of the duties of his office, directly or indirectly take any part in the appointment, promotion or dismissal of any officer, or employee in the service of the city other than the officers or employees of the council.

Salary of Councilmen

Sec. 18. The salaries of the councilmen first elected under this charter shall be fifty dollars per month. Thereafter the council may, by ordinance submitted to a referendum at any municipal election, change the salary of members of the council.

Meetings of Council

Sec. 19. On the second Monday following a regular municipal election, the council shall meet in the council chambers of the city hall at 8 p. m., at which time the newly elected and qualified councilmen shall assume the duties of their office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. Any four members thereof may call special meetings of the council upon notice to each member. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be there considered. All meetings of the council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

The council shall determine its own rules and order of business and shall keep a minute book of its proceedings.

President of Council

Sec. 20. At the first meeting after assuming the duties of the office, the council shall elect one of its members

president who shall hold the title of mayor, and preside at meetings of the council. He shall be the chief executive of the city and perform such other duties as presiding officer as may be imposed upon him by the council. In the absence of the president, the council shall elect a president pro tempore.

Legislative Procedure

Sec. 21. The council shall be the judge of the election of its members. A majority of all members shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members of the council shall be necessary to adopt an ordinance or resolution. The vote upon the passage of all ordinances and upon the adoption of such resolutions as the council by its rules prescribe, shall be taken by "yeas" and "nays" and entered upon the journal.

Ordinance Enactment

Sec. 22. Each proposed ordinance or resolution shall be in written form and shall contain but one subject which shall be stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Bakersfield as follows." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of Bakersfield as follows:".

Emergency Measures

Sec. 23. All ordinances and resolutions shall be in effect from and after thirty days from the date of their passage, except as otherwise provided in this charter. The council may, by a two-thirds vote of the members, pass emergency measures to take effect at the time indicated therein.

Definition of Emergency Measure

Sec. 24. An emergency measure is an ordinance or resolution for the immediate preservation of the public health, peace, property or safety, or providing for the daily operation of a municipal department in which the emergency is set forth in the preamble thereto. Ordinances appropriating money may be passed as emergency measures,

but no measure making a grant of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility shall ever be so passed.

Initiative Petition

Sec. 25. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to twenty-five per cent. of the total votes cast at the last general municipal election. The form and contents of the petition and the mode of verification and certification and filing shall be substantially as hereinafter provided.

Procedure

Sec. 26. When such petition and ordinance is presented, the clerk must endorse it, with date of filing, and within ten days thereafter, he must verify the signature thereto, and submit it to the council at the first regular meeting thereafter. The council shall pass the ordinance within ten days after its submission or call a special election, to be held within forty days after the clerk shall have submitted said petition, at which said ordinance shall be submitted to a vote of the people.

Publication of Ordinance

Sec. 27. Whenever an ordinance is required by this charter to be submitted to the voters of the city, such ordinance shall be published in like manner as ordinance adopted by the council.

Form of Ballot

Sec. 28. The ballots used when voting upon such ordinances shall give the title in full and state the general nature of the proposed ordinance and contain the words "For the Ordinance" and the words "Against the Ordinance" and otherwise conform to the provisions of this charter. If a majority of the votes cast thereon at such election be for the ordinance, it shall thereupon become a valid and binding ordinance of the city.

Plurality of Ordinance

Sec. 29. Any number of proposed ordinances may be submitted at the same election.

Repeal or Amendment

Sec. 30. The council may submit an ordinance to repeal or amend any such ordinance to the electors at any succeeding general municipal election; and should such

proposed ordinance so submitted receive a majority of the votes cast thereon at such election, the original ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Affidavits of Signatures

Sec. 31. The petition hereinbefore referred to must be signed by electors of the city and attached to an affidavit of one or more of the signers thereof, that the names thereto are names of electors as thereinbefore set forth and were subscribed to the said petition in the presence of the affiant.

The Referendum

Sec. 32. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state, or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public health or safety; the said ordinance to contain a statement of its urgency; **provided**, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If before any ordinance is in force a petition signed by electors of the city, equal in number to twenty-five per centum or more, of the entire vote cast at the last general election, protesting against the passage of such ordinance, be presented to the council, said ordinance shall thereupon be suspended. The council shall submit the ordinance to the electors of the city either at the next general municipal election, or at a special election, and such ordinance shall not go into effect unless a majority of the electors voting on the same, shall vote in favor thereof. The provisions of article VII. respecting the forms and conditions of the petition and the mode of verification and certification and filing, and the ballot to be used, shall be substantially followed, with such modifications as the nature of the case may require.

Conflicting Measures

Sec. 33. At any special election, one or more other questions or ordinances may be submitted to the electors either by the same or by different ordinances, if said other questions and ordinances are such as may legally be sub-

mitted at such election, and the requirements of the charter have been complied with. If two or more measures approved or adopted at the same election conflict, the measure receiving the highest affirmative vote shall control in such conflicting portions.

ARTICLE IV.

OFFICERS AND EMPLOYEES

Officers Appointed by the Council

Sec. 34. The council shall appoint the following officers whose terms of office shall be at the pleasure of the council:

1. City manager, who may or may not be a resident of the city at the time of his appointment.
2. Treasurer.
3. Assessor.
4. Attorney.
5. Clerk.

The council shall appoint the following officers whose terms of office shall be for a period of two years:

1. Auditor.
2. Police judge.
3. Public welfare commissioners.

City Manager

Sec. 35. The city manager shall have general supervision and direction of the administrative operation of the city government.

Duties of Manager

Sec. 36. The duties of the manager are:

1. To see that all the laws and ordinances are faithfully enforced by the heads of the departments;
2. To attend all meetings of the council at which his attendance may be required by that body;
3. To recommend for adoption to the council such measures as he may deem necessary or expedient;
4. To keep the council fully advised of the financial condition of the municipality and its future needs;
5. To prepare and submit to the auditor a tentative budget for the next fiscal year;
6. To appoint and remove, except as herein otherwise provided, all officers and subordinate officers and em-

ployees of the departments, in both the classified and unclassified service; all appointments to be upon merit and fitness alone;

7. To exercise control over all other departments and divisions that may be hereafter created by the council, and assigned to his management, not in conflict with the provisions of this charter;

8. To investigate all complaints, in regard to the service maintained by any and all public utilities in the city, and to take such proceedings as may be necessary to correct the abuse, if any.

Salary of Manager

Sec. 37. The city manager shall receive such salary as may be fixed by the council, and before entering upon the duties of his office, he shall take the official oath required by this article.

Heads of Departments

Sec. 38. The following officers shall be appointed by and hold office at the pleasure of the city manager:

1. Chief of police.
2. Chief of fire department.
3. City engineer.
4. Superintendent of streets.
5. Health officer.
6. Building and plumbing inspector.

Duties of Appointive Officers

Sec. 39. The council shall define the duties of appointive officers, where not otherwise provided for in this charter, and where practicable, the duties of two or more officers may be performed by the same person.

Auditor

Sec. 40. The duties of the auditor shall be: To certify to the treasurer the amount due to the city, from any source, and the treasurer shall not receive such money unless such certificate shall have been presented and filed, showing the amount, from what source the indebtedness has arisen, and to what fund it should be apportioned; to keep a complete set of books, showing the balance of money in the treasury, and the amount charged against each officer or employee; to prepare, countersign and deliver, from time to time, as may be required, to the proper

officer, agents or employees, all licenses and receipts, charging such officer, agent or employee therewith, and taking his receipt therefor; to draw and sign all warrants upon the treasurer for the payment of any legal demand against the city, when allowed by the council, or proper board or officer. No warrant shall be drawn, except upon a written demand, as aforesaid, which shall be filed and kept in the office of the auditor, with the date of filing, when allowed, and the name of the person holding the original demand against the city. He shall, upon the death or removal or expiration of the term of any officer handling any funds of the city, or being charged with any such funds, examine the accounts of such officer or employee, and report the result of his examination to the manager.

Examination of Records

Sec. 41. The city council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, at least twice each year, without notice, examine the books, records, and reports of the auditor and of all other officers and employees who receive or disburse city money, and of such other officers and departments as the council may direct. Reports of such examination, in triplicate, shall be made and one each thereof shall be filed with the clerk, auditor and attorney. Any officer, clerk or employee who shall refuse to give all required assistance and information to such accountant or submit to him for examination such books, papers and records of his office as may be required, shall forfeit his office.

Uniform Accounts and Reports

Sec. 42. The council shall prescribe uniform forms and accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

Qualifications of Officers and Employees

Sec. 43. Except as otherwise specified in this charter, the qualifications of officers and employees of the city shall be as follows: Each elective officer must be a citizen of the United States, of the State of California, and of the city of Bakersfield, for three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the city of Bakersfield, shall, after any such annexation

has been accomplished, be deemed and construed to have been within the city. Appointive officers, members of the public welfare board, subordinate officers and municipal employees, except employees in the unskilled labor division, must be citizens of the United States; each member of the police and fire department shall be of good repute for honesty and sobriety, able to read and write the English language; shall have been a resident of the city of Bakersfield for one year next preceding his appointment; **and further provided**, that in appointments to positions, citizens of the United States shall be employed in preference to aliens, and married men and men of family in preference to single men.

Oath of Office

Sec. 44. Every officer of the city before entering upon the duties of his office, shall take the following oath of office and file the same with the clerk: I solemnly swear or affirm that I will support the constitution of the United States, the constitution of the State of California, and the charter and ordinances of the city of Bakersfield, and will truly and to the best of my ability perform the duties of the office of.....

(Signed).....

Subscribed and sworn to before me, this.....
day of....., 19.....

Bonds of Officers

Sec. 45. All officers, commissioners, heads of departments, the city manager, and any subordinates, deputies or employees, as may be required by the council, shall execute a good and sufficient undertaking, in such sum as may be fixed by the council, for the faithful performance of their official duties, signed and executed by two or more persons, or by any surety company authorized to do business in the State of California.

Restrictions Upon Officers and Employees

Sec. 46. No officer, appointee or employee of the city, shall be interested in any contract or transaction with the city, or with any department, board, officer or employee thereof, nor become surety for the performance of any contract or sub-contract made with or for the city, upon

any bonds given for the performance thereof to the city, or contractor. No officer, appointee or employee shall receive any commission, money or things of value, or derive any profit, benefit or advantage direct or indirect, from or by reason of any dealings with or services for the city by himself or others, except his lawful compensation as such officer, appointee or employee. The violation of the provisions of this section shall be a misdemeanor and shall work the forfeiture of such office or employment.

Day of Rest Each Week

Sec. 47. No employee or police officer shall be required to render services for which he is employed or appointed for more than six days in any week, except in times of stress or emergency; and when it would not result in the impairment of the service of which he is engaged, Sunday shall be preferred as the day of rest.

ARTICLE V.

FINANCE AND TAXATION

The Fiscal Year

Sec. 48. The fiscal year of the city shall commence upon the first day of July each year.

Tax System

Sec. 49. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

Compliance With State Law

Sec. 50. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force, whereby assessments may be made by the assessor of the county in which the city of Bakersfield is situated, and taxes collected by the tax collector of said county for and on behalf of the the city of Bakersfield. Other provisions of this charter concerning the assessment levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department Estimates of Annual Requirements

Sec. 51. On or before the first Monday in April in each year, or on such day in each year as shall be fixed by the council, the heads of departments, offices, board and com-

missions shall submit to the city manager a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue

Sec. 52. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the council, the auditor shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding bonded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget

Sec. 53. The council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed in each department, office, board or commission as the council may deem advisable.

Board of Equalization

Sec. 54. The council shall meet on the first Monday in August in each year, at 10 o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session for at least five days. They shall have power to hear complaints and to correct or modify any assessment or cancel any assessment illegally made, provided that notice shall be given to the party whose assessment is to be raised.

Annual Tax Levy

Sec. 55. The council must, not later than the first Tuesday in September in each year, pass an ordinance laying upon the assessed valuation of the taxable property in the city, a rate of taxation upon each one hundred

dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the estimated amount to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of Tax Levy

Sec. 56. The tax levy authorized by the council, to meet the municipal expenses for each fiscal year, shall not exceed (except as herein provided) the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The council, if requested by the board of education, shall, in addition to the tax for municipal purposes, levy a tax for the adequate support of the public schools, such levy not to exceed twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within the school district.

Bond Tax and Library Tax

Sec. 57. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain a sinking fund of the bonded indebtedness of the city, and to provide for the support of free public libraries and reading rooms, and for any other purpose not forbidden by this charter or the laws of the state.

Cash Basis Fund

Sec. 58. The council shall create and maintain a revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount thereof shall be sufficient to meet all legal demands against the city for the first four months or other necessary period of the succeeding fiscal year. The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums

as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned before the end of the fiscal year.

Tax Liens

Sec. 59. All taxes assessed, together with any percentage and penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens, provided for in this article shall attach as of the first Monday in March of each year, and may be enforced by action in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certifications and deeds therefor, under such regulations as may be prescribed by ordinance; **provided**, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption and with like right of sale by the city, as it may be struck off and sold to the state when offered for sale for county taxes and sold by the state.

Disposition of Money Collected

Sec. 60. Every officer collecting or receiving any funds belonging to or for the use of the city shall settle for the same immediately. The council may provide, in its discretion, for the deposit of the city's funds in banks in accordance with the state law.

ARTICLE VI.

DEPARTMENT OF PUBLIC WELFARE

Departments

Sec. 61. The department of public welfare shall include the following subordinate departments:

Public health and sanitation.

Public charities.

Parks and playgrounds.

Commission to Control

Sec. 62. The department shall be under the administrative control of a commission of seven members, who shall serve without compensation, and shall be appointed

one from each ward by the council, for a term of two years. The operative management of each department shall be under the direction and control of a head official to be appointed by the manager. Public welfare commissioners shall have charge of the inspection and supervision of all public amusements and entertainments, with full police powers to control, censure or suppress anything detrimental to public morals.

Department of Public Health

Sec. 63. The department of public health shall be under the control and management of the health officer, who must be a physician licensed to practice medicine and surgery in California, who shall have supervision of all matters pertaining to the sanitary conditions of the city and the health of its inhabitants. He shall have power, and it shall be his duty:

1. To see that all the ordinances and regulations of the council and of the department are enforced and complied with.

2. To inspect the drainage, sewage and garbage disposal.

3. To supervise the care, preparation, production and sale of all articles in any way distributed for food consumption.

4. To enforce all laws of the State of California and all regulations made by the department of health, applicable to the city.

5. In the exercise and enforcement of the duties of his department, he shall have the power of a peace officer, and may make arrests for the violation of any ordinances or laws governing his department, and may seize and confiscate any articles of food unfit for human consumption.

6. When necessary to the efficiency of his department, he may, with the consent of the manager, appoint one or more physicians, emergency surgeons, bacteriologists, and food and market inspectors, school and district nurses and a clerk of the department, and prescribe and direct their duties.

7. He shall have supervision and control of all hospitals or sanitoriums that may be established or maintained by the city.

Department of Public Charities

Sec. 64. The department of charities shall be under the supervision of a commissioner, who shall investigate all applications for charity, and may furnish relief for im-

mediate want or distress, and at once report the particulars of each case to the public welfare commissioner. He shall have the care and supervision of all homes, shelters and charitable institutions maintained by the city, that are not under the supervision and control of the department of health.

Department of Parks and Playgrounds

Sec. 65. The department of parks and playgrounds shall be under the supervision and direction of a park commissioner, who shall have the care and supervision and management of parks and playgrounds, and enforce the rules and regulations relating thereto and the use thereof. He shall make suggestions to the manager for improving and beautifying all property under the supervision of his department and for the general betterment thereof, for the purposes for which the property is dedicated.

ARTICLE VII.

ELECTIONS

Mode of Election

Sec. 66. The mode of nomination and election of all elective officers of the city and members of the board of education shall be as provided in this article.

When Held

Sec. 67. Within ten days after this charter shall have been ratified by the legislature and a certified copy thereof has been filed in the office of the secretary of state and a like copy has been recorded in the office of the county recorder of Kern county and deposited in the archives of the city, the governing body of the city of Bakersfield shall call a nominating election and a general election, under the provisions of this charter, to elect officers as herein provided. The nominating election shall be held on the first Tuesday after the expiration of fifty days from the filing of the certified copy of this charter in the archives, as aforesaid. The officers so elected shall hold office until their successors are elected and qualified. Thereafter a general election shall be held on the second Tuesday of April of the year 1917, and each odd-numbered year thereafter, for the election of members of the council, and members of the board of education shall be elected as herein provided.

Condition of Candidacy

Sec. 68. The candidate, not later than the first presentation to the clerk of his petition of nomination, and

not earlier than thirty days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

Declaration of Candidacy

I, _____, residing at No. _____ street, Bakersfield, California, being duly sworn, hereby declare myself a candidate for the office of _____, to be voted for at the _____ municipal election, to be held in the city of Bakersfield, on the _____ day of _____, 19____, and hereby appoint _____, residing at No. _____ street, city of Bakersfield, verification deputy.

(Signed) _____

STATE OF CALIFORNIA }
County of Kern. } ss.

Subscribed and sworn to before me this _____ day of _____, 19_____.

Form of Nominating Petition

Sec. 69. The petition for nomination shall consist of not less than twenty-five nor more than fifty individual certificates, which shall read substantially as follows:

Petition of Nomination (Individual Certificate)

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____, to be voted for the nominating election, to be held in the city of Bakersfield, on the _____ day of _____, 19____, for the office of _____; that I believe said _____ is fully qualified for said office, and should be elected thereto; and I further certify that I am a qualified elector, and am not, at this

time, a signer of any other petition nominating any other candidate for the above named office; that my residence is at No..... street, between..... street andstreet, Bakersfield, and that my occupation is.....

(Signed).....

Forms to Be Supplied by City Clerk

Sec. 70. It shall be the duty of the clerk to furnish, upon application, a reasonable number of forms of individual certificate of the above character.

Requirements of Certificate

Sec. 71. Each certificate must be a separate paper. All certificates must be of a uniform size, as determined by the clerk. Each certificate must contain the name of one signer thereto and the name of but one candidate. Each signer must be an elector, entitled to vote for the candidate named, and must not, at the time of signing a certificate, have signed any other certificate for the same office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must sign his name in the presence of the verification deputy, who must take oath before some officer authorized to administer and certify oaths, that the signatures thereto and each thereof, were made in his presence, and are genuine.

Date of Presenting Petition and Form Thereof

Sec. 72. A petition for nomination, consisting of not less than twenty-five nor more than fifty individual certificates for any one candidate, may be presented to the clerk, not earlier than fifty days, nor later than twenty-five days before the election. The clerk shall endorse thereon the day, hour and minute when the petition was presented to him.

The certificates constituting such petition, before being presented to the clerk, shall be fastened together in book form, arranged in alphabetical order, according to surnames, and fastening them together at one edge in a secure and suitable manner, and the certificates shall then be numbered consecutively.

Examinations of Petitions by City Clerk

Sec. 73. When a petition of nomination is presented for filing to the clerk, he shall forthwith examine the same, and ascertain whether it is sufficient under the provisions of this charter. Within seven days thereafter he must examine and determine whether or not it is sufficient and shall attach to said petition his certificate, showing the result of said examination, and forthwith send by registered mail or deliver, a copy of said certificate to the person seeking a nomination. If the petition be found insufficient such certificate of the clerk shall designate each individual certificate found to be defective and the defect therein. If the petition be insufficient, it may be amended or supplemented by the presentation of an additional nominating petition containing additional nominating certificates, not later than twenty-five days before the date of the nominating municipal election. The clerk shall, within five days after the presentation of such additional nominating petition, make like examination and determination of the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional nomination petition shall have been presented, the petition shall be returned to the person seeking a nomination named as the person to whom the petition is to be returned. If necessary, the council shall provide extra help to enable the clerk to perform his duties, under any election provision of this charter.

Withdrawal of Signature

Sec. 74. Any signer to a certificate forming part of the petition of nomination may withdraw his name from the same, by filing with the clerk a revocation of his signature, before the presentation of the petition to the city clerk, and not otherwise. He may then sign a petition for another candidate for the same office.

Withdrawal of Candidate for Nomination

Sec. 75. Any person who has filed his declaration of candidacy, as in this article provided, may, not later than thirty days before the day of the nominating election, cause his name to be withdrawn from nomination, by filing with the clerk an affidavit stating that he so withdraws, and no name so withdrawn shall be printed on the ballot.

Filing of Petitions

Sec. 76. If either the original or the amended petition be found to conform to the provisions of this article, the

clerk shall file the same not later than twenty days before the date of the election. When a petition of nomination shall have been filed with the clerk, it shall not be withdrawn nor added to, and no signature shall be revoked thereafter.

Preservation of Petitions

Sec. 77. The clerk shall preserve in his office for a period of one year all petitions of nomination and all certificates belonging thereto, filed under this section.

Election Proclamation

Sec. 78. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, whether for a full or unexpired term and the names of the candidates for each, and shall, not later than twenty days before the nominating election, certify such list as being the list of candidates nominated, and the council shall cause said certified list to be filed and published in the proclamation calling the election for three successive days, commencing seven days before the day of the election. Said proclamation shall in all other respects be governed by ordinances.

Form of Ballot

Sec. 79. The clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter.

Requirements of Ballot

Sec. 80. The form of the ballot shall be prescribed by the council and shall be printed on precisely the same size, quality and tint of paper, with precisely the same kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. The names of the candidates for each office shall be arranged in alphabetical order by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Space for Voting Cross

Sec. 81. A space, one-half inch square, shall be left at the right of the name of each candidate, wherein to mark the cross.

Sec. 82. As many blank spaces as there are candidates

to be voted for shall be left below the printed names of candidates for each office to be voted for, wherein the voter may write the name of each person for whom he may wish to vote.

Sample Ballots

Sec. 83. The clerk shall cause to be printed sample ballots identical, except on a different color of paper, with the ballot to be used at the election, and shall furnish copies of the same, on application, to registered voters, at his office for at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before said election.

General Election

Sec. 84. There shall be two candidates nominated for each officer to be elected and such number of candidates as may receive a higher number of votes than any other opposing candidates shall be the nominees; **provided**, that if there be any person who, under the provisions of this article, would have been entitled to become a candidate for any office, except for the fact that one or more other persons received an equal number of votes therefor, all such persons receiving an equal number of votes shall likewise be candidates for such office. If, at any nominating election, any candidate for any office shall receive a majority of all votes cast for that office, he shall be declared elected to the said office, and no other election therefor shall be held. If, at any election, no candidate is elected, by reason of a tie vote, the office for which such persons were candidates shall, at the expiration of the current term, become vacant.

Informalities in Election

Sec. 85. No informalities in conducting elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter and the ordinances relating thereto.

General Election Regulations

Sec. 86. The provisions of the state law relating to the qualifications of voters, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable and not inconsistent or in

conflict with this charter shall govern all elections. The council shall meet as a canvassing board and have the same powers and duties as boards of supervisors.

RECALL ELECTIONS

Sec. 87. Any officer elected or appointed for a definite term may be recalled, after the expiration of three months from the commencement of his term, by the electors entitled to vote for his successor. When a petition for the recall of a councilman is presented signed by electors of the ward which he represents, equal in number to twenty-five per cent., or more, of the total vote cast for councilman in such ward, at the last general election, and certified by the clerk, and his resignation shall not have been received, as herein provided, the recall of such councilman shall be submitted to a vote of the electors of said ward. When the officer sought to be recalled is not a councilman, the recall of such officer shall be signed by electors of the city equal in number to twenty-five per cent., or more, of the number of votes cast at the last general election. The signatures to such petition need not be all appended to one paper.

Sec. 88. Petition papers shall be procured only from the clerk, who shall keep a sufficient number of such blank petitions for distribution, as herein provided.

Sec. 89. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors and filed with the clerk, stating the name and office of the officer sought to be removed. The clerk, upon issuing such petition papers to an elector, shall enter, in a record to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify upon such paper the name of the elector to whom issued and the date of the issuance. No petition paper so issued shall be accepted as a part of a petition unless it bears such certificate of the clerk and unless it be filed as provided herein.

Sec. 90. Each signer of a recall petition shall sign his name in ink or indelible pencil and shall place thereon after his name his place of residence by street and number. To each such petition paper shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is the signature of the person whose name it purports to be.

Sec. 91. All papers comprising a recall petition shall be assembled and filed with the clerk as one instrument within thirty days after the filing with the clerk of the affidavit

stating the name and office of the officer sought to be removed. Within ten days from the date of the filing of such petition, the clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If the clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the circulator thereof.

Sec. 92. Such recall petition may be amended at any time within twenty days after the making of the certificate of insufficiency by the clerk, by filing a supplementary petition upon an additional petition paper, issued, signed and filed as provided herein for the original petition. The clerk shall, within ten days after such amendment is filed, make like examination of the amended petition, and if his certificate shall show the same to be still insufficient, he shall return it to the person designated in such petition to deceive it, without prejudice, however, to the filing of a new petition for the same purpose.

Sec. 93. If a recall petition or amended recall petition shall be certified by the clerk to be sufficient, he shall at once submit the same with his certificate to the council and notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five days after such notice, the council shall thereupon order and fix a day for holding a recall election. Such election shall be held not less than forty nor more than sixty days after the petition has been presented to the council, at the same time as any other general or special election which may be held within such period; if no such election be held within such period, the council shall call a special recall election to be held within the time aforesaid.

Sec. 94. The form of ballots used in recall elections, the method of marking and counting such ballots, and determining and declaring the result of such election shall conform to the provisions of this charter, relating to regular elections.

Sec. 95. Nominations of candidates to succeed any officer whose removal is sought and the election of his successor shall be made in the manner provided for nominating, elections and general elections.

Sec. 96. If recalled his successor shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notice of his election, the office shall thereupon be vacant.

Sec. 97. An officer removed from office by recall elec-

tion, or who shall resign from such office pending recall proceedings against him, shall be ineligible to hold the same office within two years after such recall or resignation.

ARTICLE VIII.

JUDICIAL DEPARTMENT

Police Court

Sec. 98. There is hereby created in and for the city of Bakersfield a court, which shall be known as the police court of the city of Bakersfield.

Qualification of Judge

Sec. 99. Said court shall have one judge, who shall be appointed by the council for the term of two years and until his successor shall be appointed and qualified. The judge of said police court shall be subject to removal only be recall in the manner provided in this charter for the recall of elective officers.

Exclusive Jurisdiction

Sec. 100. The said court shall have exclusive jurisdiction;

1. In all criminal prosecutions of misdemeanors, under this charter, or ordinances of the city;

2. In all actions for the recovery of any fine, penalty or forfeiture, for the enforcement of any obligation or liability prescribed or created by the city ordinances, in which the sum sued for, exclusive of interest, does not amount to three hundred dollars.

Concurrent Jurisdiction With Justices' Court

Sec. 101. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justices' courts, in case of misdemeanor, in which said justices' courts now or may hereafter have jurisdiction.

Appeals

Sec. 102. Appeals may be taken to the superior court of the State of California, in and for the county of Kern, from the judgments and orders of said police court, in all cases in which appeals now or may hereafter be taken to said superior court, from said justices' courts and police courts.

Proceedings on Appeal

Sec. 103. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws

now applicable or that may hereafter be made applicable to said justice courts, are hereby adopted and made applicable to said police court.

Inability of Judge to Act

Sec. 104. Upon the sickness, absence or inability to act of the judge of said police court, he shall cause to preside in his place any qualified justice of the peace or judge of any other inferior court of the county of Kern.

Proceedings as in Justice Courts

Sec. 105. All provisions of law relating to justices of the peace and justices' courts, including appeals, are hereby made applicable to said police court; and said court and said judge shall have all powers and jurisdiction now or hereafter conferred by law upon justices' courts, police courts or justices of the peace in criminal cases.

Fines Paid Into General Fund

Sec. 106. All fines imposed and collected by the police court, and not otherwise appropriated by the general law of the state, shall be paid into the general fund of the city. The council shall provide a courtroom and courtroom accommodations, dockets, blanks and stationery.

Violation of State Laws

Sec. 107. Police officers of the city shall have authority and it shall be their duty to make arrests for all violations of any of the laws of the State of California.

ARTICLE IX.

PUBLIC UTILITIES

Ownership

Sec. 108. It is hereby declared to be the purpose and intention of the people of the city of Bakersfield that such public utilities as shall be deemed best for the interest of the people shall be acquired by purchase, condemnation or construction, and owned and operated by the city.

Control and Fixing of Rates

Sec. 109. The power to control the operation of, and to fix rates to be charged by, public utilities shall be in the railroad commission of the State of California, or such

commission or tribunal as may exercise the powers now vested in the railroad commission of California, until the electors shall, at a special election, vest said powers in the council.

Plan Submitted to Voters

Sec. 110. The council shall, upon petition of electors equal in number to not less than thirty-five per cent. of the votes cast at the last general municipal election, submit as separate questions, by ordinance, to the electors of the city, at any general municipal election thereof, a plan for the acquisition of one or more public utilities and its adoption and the issuance of bonds of the city for the payment therefor.

Estimate of Cost

Sec. 111. Before submitting for adoption any plan for the construction and establishment of a public utility, the council shall cause to be ascertained and made an estimate of the cost at which such public utility can be constructed or acquired.

Contents of Ordinance Calling Election

Sec. 112. The ordinance calling such election shall contain a statement of the plan proposed for the acquisition of such public utility or utilities, naming the same, the estimated cost or price thereof, and shall otherwise conform to the provisions of this charter governing the calling and holding of elections for the insuring of bonded indebtedness, and the law for holding of elections therefor.

Operation

Sec. 113. In the event the city should acquire one or more public utilities, the operation of the same shall be under the supervision of the city manager.

Property Rights of City Inalienable

Sec. 114. The rights of the city in and to its public buildings, streets, highways, public parks and all other public places owned or controlled, except as otherwise provided in this charter, are hereby declared inalienable and no franchise, permit or privilege granted shall be construed as carrying the right to cut, trim, break or destroy any shade, ornamental or other tree on or in the parking space of any street or public park.

Granting Franchise

Sec. 115. No franchise shall be granted by the council unless as otherwise especially provided in this charter, but

may be granted by the electors by ordinance passed by referendum vote at any general election, or at a special election, provided that no franchise shall be granted for a longer term than twenty-five years, and no exclusive franchise, permit or privilege shall be granted.

Public Utilities

Sec. 116. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article, except in so far as the holder thereof may be entitled to do so by direct authority of the constitution of California, or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public property in the city, unless a grant therefor shall have been obtained in accordance with the provisions of this article.

Application for Franchise

Sec. 117. An applicant for a franchise, permit or privilege, shall file with the council written application therefor which must state the character and purpose of the franchise, permit or privilege applied for; and if it be a street railroad, the route to be traversed. Said application shall be accompanied by a petition, signed by electors, equal in number to at least twenty per centum of the votes cast at the last preceding general election, asking that an ordinance granting the franchise be submitted to the vote of the electors of the city.

Advertisement

Sec. 118. The council, upon receipt of such application and petition as provided in the foregoing section, shall publish a notice of said application and petition in a daily newspaper of general circulation in the city, as often as said paper is published, for ten successive publications. Said notice must refer to the petition and application in full, and state the time prior to which, the place where and the person to whom, sealed bids for such franchise may be delivered, and the time and place the same will be opened and published, and that an ordinance will be submitted to a vote of the electors of the city, awarding the franchise, permit or privilege to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession, of the franchise, permit or privilege, provided that such per-

percentage be not less than three per centum of the said gross annual receipts for the entire life of the franchise, permit or privilege.

Bidding for Franchise

Sec. 119. At the time of opening the sealed bids, any responsible person, firm, or corporation may bid for such franchise, permit or privilege not less than one-half of one per cent. of the gross annual receipts for the entire term of the franchise, above the highest sealed bid therefor, and such bid so made may be raised not less than one-half of one per cent. of the gross annual receipts for such entire term by any other responsible bidder, and such bidding shall continue until there are no further bids, then the council shall submit, within not less than thirty days and not more than one hundred twenty days thereafter, to the electors an ordinance granting a franchise to the highest bidder in accordance with the application and petition.

Division of Receipts

Sec. 120. If the franchise, permit or privilege is for a street railroad which shall extend beyond the limits of the city of Bakersfield, then and in that case the percentage of the gross receipts above specified shall be fixed by ordinance.

Deposit As Guarantee of Good Faith

Sec. 121. Every applicant or bidder for franchise, permit or privilege under this article, shall deposit \$2,000.00 or a certified check therefor, payable to the city treasurer, certified to by some responsible bank, in Kern county, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege. All deposits made by unsuccessful bidders shall be returned. Deposit of the successful bidder shall be retained, until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, including the expense of a special election, where such special election was held for the purpose of granting the said franchise, shall be returned.

Filing of Bonds

Sec. 122. The grantee of any franchise, permit or privilege, shall file a bond running to the city, to be ap-

proved by the council, in the penal sum prescribed by the council, and set forth in the advertisements for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond; **provided, however,** that the legislative body of the city shall have power to waive action on the bond, and in lieu thereof, declare the franchise forfeited. In case such bond be not so filed, within thirty days after the result of the election awarding the franchise has been officially declared by the council, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited.

Beginning and Completion of Work

Sec. 123. Construction work under any franchise, permit or privilege granted, in accordance with the terms of this article, shall be commenced in good faith, within not more than four months from the date of the taking effect of the ordinance, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, and if not so completed within said time, such franchise, permit or privilege shall be forfeited; **provided,** that if good cause be shown, the council may, by resolution, extend the time for completion thereof; **and provided, further,** that the limitations and provisions thereof, as to the time within which work shall be completed shall not apply to the extensions of service under franchises, permits, or privileges, other than for railroads, street railroads or interurban railroads.

Service and Accommodation

Sec. 124. The grant of every general municipal franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including the right to pass and enforce ordinances for the extension of service and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the fran-

chise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their safety, comfort and convenience. Nothing in this section shall be construed as conflicting with section 109 of this charter.

All United States mail carriers, when in uniform, and all policemen and members of the fire department, while in actual discharge of their duties, shall be allowed to ride in all cars of street railroads within the boundaries of the city, without paying fare and with all rights of other passengers.

Lease or Assignment of Franchise

Sec. 125. The council shall not pass an ordinance permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder, from the liabilities by the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

Street Paving

Sec. 126. Every grant of any franchise, for a street or other railway, shall be subject to the conditions that person, firm or corporation exercising or enjoying the same shall plank or replank, pave or repave, macadamize, or remacadamize the entire length of the street, highway or other public place used by the track or tracks of such railway, and two feet each side thereof, and between the tracks, if there be more than one, and keep the same in repair and flush with the surface of the street. Such street work must be done with such materials and in such manner as the council may by ordinance direct, at the same time and as part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the city manager.

Examination of Company's Books

Sec. 127. All ordinances granting franchise, permits, or privileges under this article, shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city shall have the right, at all reasonable times, to examine all the books, vouchers, records and other papers, of all holders exercising or enjoying any franchise, permit or privilege under this article. Refusal to keep said books, vouchers and records, in the manner provided above, or to produce the same at any reasonable time for examination, by the clerk,

accountant, or other agents, appointed by the council, shall work a forfeiture of the said franchise, permit or privilege.

Annual Report of Company

Sec. 128. Every holder, or operator, of any business under a franchise, permit or privilege granted under this article shall file annually with the city clerk, on such date as shall be fixed by the council, a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done under said franchise, permit or privilege, within the city for the year immediately preceding such report. Such report shall contain such further information as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege, for new construction, repairs and betterments during the year. The council shall have power to call for a special report, at any time covering any specific period.

Books of Records and Reference

Sec. 129. The council shall provide and cause to be kept in the office of the city clerk a franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises, permits, or privileges granted by the city, the names of the grantees, and thereafter the name of any assignee or lessee thereof.

Payment of Gross Receipt

Sec. 130. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege as set forth in the ordinance granting such franchise, permit or privilege, shall be paid annually by the holders thereof, at the time of filing the annual report provided for in this charter. Failure to pay such percentage shall work a forfeiture of the franchise.

Franchise for Railroads Other Than Street Railroads

Sec. 131. Franchises, permits or privileges may be granted by the council, for the construction, maintenance and operation of railroads other than street railroads.

along, upon, over, in, under or across any street or streets, or other public places in the city, upon petition therefor provided for street railroads, but no action shall be taken upon any such application or petition, until 30 days after the same has been filed. If within that time a petition is filed and signed by the electors of the city, equal in number to ten per centum, or more, of the total votes cast at the last general election, praying that the granting of said franchise be referred to a vote of the electors of the city, said application shall be so referred under same provisions governing the granting of franchise for street railroads.

Franchises for Siding and Spurs

Sec. 132. Franchises for temporary spurs or side tracks may be granted for not more than one year by the council upon the same notice as provided in the foregoing section, and may be revoked when the purpose for which granted shall cease.

Ice a Public Utility

Sec. 133. Ice being a necessity in the city of Bakersfield, the manufacture, sale and distribution thereof is hereby declared to be a public utility, and the city shall have and is hereby given the power to purchase or manufacture, and sell and distribute ice the same as any other public utility.

ARTICLE X

PUBLIC WORK AND SUPPLIES

Form of Contracts

Sec. 134. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Bakersfield, by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments of Contracts

Sec. 135. Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at time seventy-five per cent. of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize

or permit the payment of more than seventy-five per cent. of the contract price before the completion and acceptance of the work.

Public Work to Be Done By Contract

Sec. 136. In the erection, improvement and repair of all public buildings and works, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall state the proposed work to be done as provided by the council; **provided, however,** the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done under the direction of the city manager. In case no bid is received, the council may likewise provide for the work to be done under the direction of the city manager.

Contracts for Official Advertising

Sec. 137. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed bids therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder, publishing a daily newspaper in the city which is qualified under the laws of the State of California for the publication of official advertising, provided that the council may reject any or all bids if found excessive, and advertise for new bids.

Official Newspaper

Sec. 138. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Contracts for Lighting

Sec. 139. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric

light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Collusion With Bidder

Sec. 140. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder

Sec. 141. If the person to whom a contract has been awarded has colluded with any other party or parties for the purpose of preventing any other bid being made, the contract so awarded shall be void.

Hours and Minimum Wages

Sec. 142. The time of service of any laborer, workman or mechanic employed upon any of the public works of the city, or upon work done for said city, is hereby limited and restricted to eight hours during any one calendar day ;and it shall be unlawful for any officer, or agent of said city, or for any contractor or subcontractor doing work under contract upon any public work aforesaid, who employs, or who directs or controls, the work of any laborer, workman or mechanic employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon any public, military or naval defenses or works in time of war. The minimum wage of any laborer, workman or mechanic, employed upon any public work, whether so employed directly by the city and its

officers, or by contractor or subcontractor, or by any other person or persons, shall be three dollars for any one calendar day.

Penalty for Violation

Sec. 143. Any officer or agent of the city of Bakersfield, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon work done for the city, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded, shall forfeit as a penalty, to the city, ten dollars, for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work done for the city, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours, or for less than the minimum wage of three dollars in violation of the provisions of this charter; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of this charter committed in the course of the execution of said contract, and to report the same to the representative of the city, party to the contract, authorized to pay said contractor moneys becoming due to him under said contract, and said representative, when making payments of moneys thus due, shall retain and withhold therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation. Any officer, agent or representative of the city, who shall violate any of the provisions of this section, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both.

Employment of Citizens of Bakersfield

Sec. 144. When laborers, workmen or mechanics, are employed upon any public work, whether so employed directly by the city and its officers, or by contractor or subcontractor, or by any other person or persons, such laborers, workmen or mechanics whenever possible must be qualified electors of the city, and married men must be given preference over unmarried men.

ARTICLE XI.

PUBLIC SCHOOLS

Membership

Sec. 145. The board of education shall consist of five members, elected at the general election on a general ticket

from the city at large, arrangements shall be made so that voters residing within the limits of the Bakersfield school district and without the limits of the city of Bakersfield may vote for such school directors at such election.

Eligibility

Sec. 146. Members of the board of education and candidates therefor must be electors of the city of Bakersfield for three years next preceding nomination.

Term of Office

Sec. 147. Members of the board of education shall hold office for a term of four years from and after the first day of May after their election and until their successors are elected or appointed and qualified, unless sooner removed by recall or otherwise; **provided**, that the members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot, that two shall serve for two years and three for four years.

The Board of Education

Sec. 148. The board of education shall have control and management of the public schools in the Bakersfield school district in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

President of the Board

Sec. 149. The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members.

Meetings

Sec. 150. The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the council. The board shall provide the manner in which special meetings shall be called.

Quorum

Sec. 151. Three members of the board shall constitute a quorum and the affirmative votes of three members shall be necessary to pass any measure, but a less number than

three may adjourn from time to time and compel the attendance of absent members in such manner as the board may prescribe.

Rules of Proceedings

Sec. 152. The board of education may determine the rules of its proceedings.

Meetings to Be Public

Sec. 153. All meetings of the board of education shall be public.

Annual Estimate of Expenses

Sec. 154. The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city, shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy.

Record to be Kept

Sec. 155. The board of education shall keep a complete record of its proceedings and the same shall be open to the inspection of the public.

Vacancies

Sec. 156. Vacancies occurring in the board of education shall be filled by the board of education, provided that in case such vacancy or vacancies are not filled within thirty days after date of occurrence, the council shall fill such vacancy or vacancies.

Exofficio Library Board

Sec. 157. The members of the board of education shall be exofficio members of, and shall constitute, the library trustees, and shall have the powers and duties prescribed by the council, unless herein otherwise given.

ARTICLE XII.

MISCELLANEOUS

Continuation of Officers

Sec. 158. The board of trustees of the city of Bakersfield, under the present municipal government thereof,

shall be and is hereby continued as such governing body, until the election and qualification of members of the council, under this charter. No officer, commissioner, head of department, clerk or employee, appointed before the members of the council elected at the first election have qualified, shall hold office, except at the pleasure of the council so elected.

Validity of Proceedings

Sec. 159. All ordinances of the city, in force at the time this charter becomes effective, shall be and remain as valid ordinances of the city of Bakersfield, until amended or repealed.

Sec. 160. All proceedings, all contracts, all indebtedness and obligations of the city, existing at the time this charter takes effect, including the expense of compiling this charter and the election thereof, shall be in no way affected by the adoption of this charter or by the municipal government established thereunder; all official signatures and seals and all ministerial or executive acts of the proper officers of the city, prior to the taking effect of this charter, shall be valid; and all certificates, acceptances and approvals or receipts of any officer under the preceding government, relating to or for anything prior to the taking effect of this charter, shall be valid.

Sec. 161. Whenever any municipal function or affair arises, for which no provision is made by this charter or ordinances, the law of the state applicable thereto shall govern. Any law of the state applicable may be made the law of the city by ordinance.

Sec. 162. The rules of construction and interpretation and the definition of words and phrases provided by the Political Code of the State of California, the Civil Code of the State of California, the Code of Civil Procedure of California and the Penal Code of California, shall be and are hereby made the rules of construction and interpretation and the definitions for this charter, except where otherwise provided herein.

Sec. 163. The following words have, in this charter, the signification attached to them in this connection, unless otherwise apparent from the context:

The word "elector" shall mean electors under the election law of California, and whose names are in the cur-

rent great register of the county of Kern, and who are entitled to vote in the precinct or ward where they reside.

"Council" shall mean the council of the city of Bakersfield, as the governing body thereof.

"City" shall mean the city of Bakersfield.

Sec. 164. Papers and petitions addressed to the council shall be deemed presented when filed with the clerk.

In witness whereof, We have hereunto set our hands at the city of Bakersfield, county of Kern, State of California, this thirty-first day of August, 1914.

S. F. SMITH
LOUIS V. OLCESE
C. L. TAYLOR
JOSEPH REDLICK
GUS SCHAMBLIN
E. A. WHEELER
H. E. METZNER
W. G. HUDLOW
E. B. DUNCAN
A. G. LITTLE
RAY STEVENSON
W. A. STARR
J. B. CRANDALL
ELBERT E. McCLURE
GEO. HAY

(Endorsed): Filed Sept. 3, 1914.

A. G. JONES, City Clerk.

STATE OF CALIFORNIA, }
County of Kern, } ss.
City of Bakersfield. }

I, W. V. Matlack, president of the board of trustees of the city of Bakersfield, State of California, do hereby certify that I now am, and at all the times herein mentioned was, the duly elected, qualified and acting president of the board of trustees of said city; that S. F. Smith, Louis V. Olcese, C. L. Taylor, Joseph Redlick, Gus Schamblin, E. A. Wheeler, H. E. Metzner, W. G. Hudlow, E. B. Duncan, A. G. Little, Ray Stevenson, W. A. Starr, J. B. Crandall, Elbert E. McClure and Geo. Hay, a majority of whose names appear signed to the foregoing proposed charter were, and each of them was on the 5th day of May, 1914, at a special election held in said city of Bakersfield on said

day duly elected by the qualified voters of the said city as a board of freeholders to prepare and propose a charter for said city of Bakersfield; that each of said persons so elected was a freeholder and was at the time of said election and had been continuously for more than five years immediately prior thereto a qualified elector of said city of Bakersfield; that the foregoing is a full, true and correct copy of said charter prepared by said board of freeholders, and filed in the office of the city clerk of said city of Bakersfield on the 3rd day of September, 1914, and within 120 days after the result of said election was declared by the said board of trustees as required by the said board of trustees as required by section 8 of article XI of the constitution of this state; that said proposed charter was then published in the Bakersfield Californian, which at all times herein mentioned was, and now is a daily newspaper of general circulation, printed, published and circulated in said city of Bakersfield; that said proposed charter was published ten times in said newspaper on the following days of publication, to-wit: September 17, 18, 19, 21, 22, 23, 24, 25, 26 and 28, 1914; that the first publication thereof was made on the 17th day of September, 1914, and within fifteen days after the filing of a copy of said charter as aforesaid in the office of the city clerk of said city of Bakersfield; that, as required by section 8 article XI of said constitution, a special election was held in said city not less than twenty days, nor more than forty days after the completion of the publication of said charter, to-wit: on the 7th day of November, 1914, for the purpose of ratifying said proposed charter as a whole; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole. That the returns of said election were duly canvassed by the board of trustees of said city of Bakersfield on the 11th day of November, 1914, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of said charter have been fully complied with in every particular.

In witness whereof, I have hereunto set my hand and caused the corporate seal of the city of Bakersfield to be affixed this 2nd day of January, 1915.

W. V. MATLACK,

President of the Board of Trustees
of the City of Bakersfield.

Attest: A. G. Jones,

[Seal] City Clerk of the City of Bakersfield.

And Whereas, The said charter of the city of Bakersfield so ratified is now submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California. Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said charter of the said city of Bakersfield hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of the said city of Bakersfield be, and the same is, hereby approved as a whole for and as the charter of the said city of Bakersfield.

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